

APR. 12. 2004 6:33PM

JACOBSON, HOLMAN

RECEIVED
CENTRAL FAX CENTER

APR 12 2004

NO. 995 P. 2

OFFICIAL

Attorney Docket No. P66717US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of ANTON et al.

Via facsimile

Serial No.: 09/857,182

703-872-9306

Group Art Unit: 1772

Filed: June 19, 2001

Examiner: NORDMEYER, Patricia L.

For: MICROPOROUS HEAT INSULATION BODY

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The instant paper, transmitted by facsimile, responds to the Office Action mailed December 10, 2003.

Applicants wish to thank Examiner Patricia Nordmeyer for reconsidering the Amendment filed October 8, 2003, and withdrawing the final Office Action (mailed August 26, 2003) and subsequently issued Advisory Action (mailed October 27, 2003).

Claims 29-38, as previously presented, are pending in the subject application.

Claim 29 stands rejected under 35 USC 112, first paragraph, as allegedly lacking written descriptive support in the subject application as originally filed, i.e., as allegedly containing *new matter*. Reconsideration is requested.

According to the statement of rejection, the claim 29 limitation "the microporous heat insulation body is stable at 620 °C" constitutes new matter. The statement of rejection acknowledges that the graph in application Figure 2 "shows a point past the 600 °C mark" (Office Action, page 2);

Attorney Docket No. P66717US0
Serial No. 09/857,182

however, according to the statement of rejection (Office Action, page 2) "there is no clear support for it to be at 620 °C." The statement of rejection is mistaken.

Contrary to the statement of rejection, the subject application unequivocally supports (describes) the claim 29 limitation "the microporous heat insulation body is stable at 620 °C." First of all, the "point past the 600 °C mark" shown in the Fig. 2 graph is, in fact, 620 °C, as explained in the description of "Example 1" in the subject application (pages 5-7), in particular, the table on page 7.

Example 1 of the subject application reports the results of comparative tests for bending strength and thermal conductivity, performed on each of an embodiment of the present claims ("Sandwich containing a mica sheet of 0.1 mm") and a "Reference example," which "results are summarized in the following tables and illustrated in Figs. 1 and 2" (application page 6, lines 10-12). Both the table at application page 7 and the graph in application Fig. 2 record "the lambda values (thermal conductivity in W/(m °K)) as a function of the temperature . . . determined employing a[n] isolated hot plate according to DIN 52 612" (application page 6, lines 3-6). As shown in the table at page 7, a lambda value ("λ") of 0.034 was determined at a temperature of, precisely, 620 °C. The "point past the 600 °C mark" (referred to in the statement of rejection) on the x-axis in the Fig. 2 graph corresponds to the lambda value 0.034 on the y-axis of the graph. In other words, the "point" referred to in the statement of rejection graphically represents the same test data represented in tabular form at page 7 of the subject application, i.e., the lambda value of 0.034 determined at a temperature of 620 °C.

Attorney Docket No. P66717US0
Serial No. 09/857,182

Moreover, the aforesaid data as reported in the page-7 table, by itself, support the claim 29 limitation at issue. That is, the data supports the stability of the presently claimed product (sandwich containing a mica sheet of 0.1 mm) at a temperature of 620 °C, at least implicitly, in determining the corresponding lambda value of 0.034.

In view of the foregoing explanation, withdrawal of the rejection of claim 29 under 35 USC 112, first paragraph, is in order.

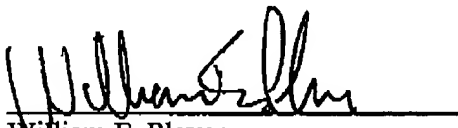
Claims 30-38 stand objected to as being dependent upon a rejected base claim, i.e., present claim 29, but would be allowable if rewritten in independent form. In that the rejection of claim 29 is in order for withdrawal, as explained above, the objection to claims 30-38 is rendered moot.

Favorable action is requested.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By



William E. Player

Reg. No.: 31,409

400 Seventh Street, N.W.
Suite 600
Washington, D.C. 20004
Tel. (202) 638-6666
Fax (202) 393-5350
Date: April 12, 2004
WEP/bap
R:\Home\vb\hous\2004\APRIL\P66717 amd.wpd